

12 August 2024

At the conclusion of the Resilient Communities and Economy
Committee

Transport, Heritage and Planning Committee

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Fire Safety Reports**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 22 July 2024

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of six reports received by the City from Fire and Rescue NSW. The attachments deal with four properties and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

Recommendation

It is resolved that:

- (A) note the contents of the Fire Safety Report Summary Sheet as shown at Attachment A to the subject report;
- (B) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 356-358 Elizabeth Street, Surry Hills;
- (C) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 535-571 Riley Street, Surry Hills;
- (D) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 18, 18A and 20 O’Dea Avenue and 19 and 21 Dunkerley Place, Waterloo at this time; and
- (E) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 5 Sam Sing Street, Waterloo at this time.

Attachments

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Inspection Report - 356-358 Elizabeth Street, Surry Hills
- Attachment C.** Inspection Report - 535-571 Riley Street, Surry Hills
- Attachment D.** Inspection Report - 18,18A and 20 O’Dea Avenue and 19 and 21 Dunkerley Place, Waterloo
- Attachment E.** Inspection Report - 5 Sam Sing Street, Waterloo

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection is undertaken to ensure fire safety measures are in full operation and that building exits are clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.
 - (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety;
 - (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of four reports received from Fire and Rescue NSW, including recommendations for further action, relating to seven properties. The properties have also been reviewed by City staff.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Report Summary Sheet

Fire Safety Report Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 4

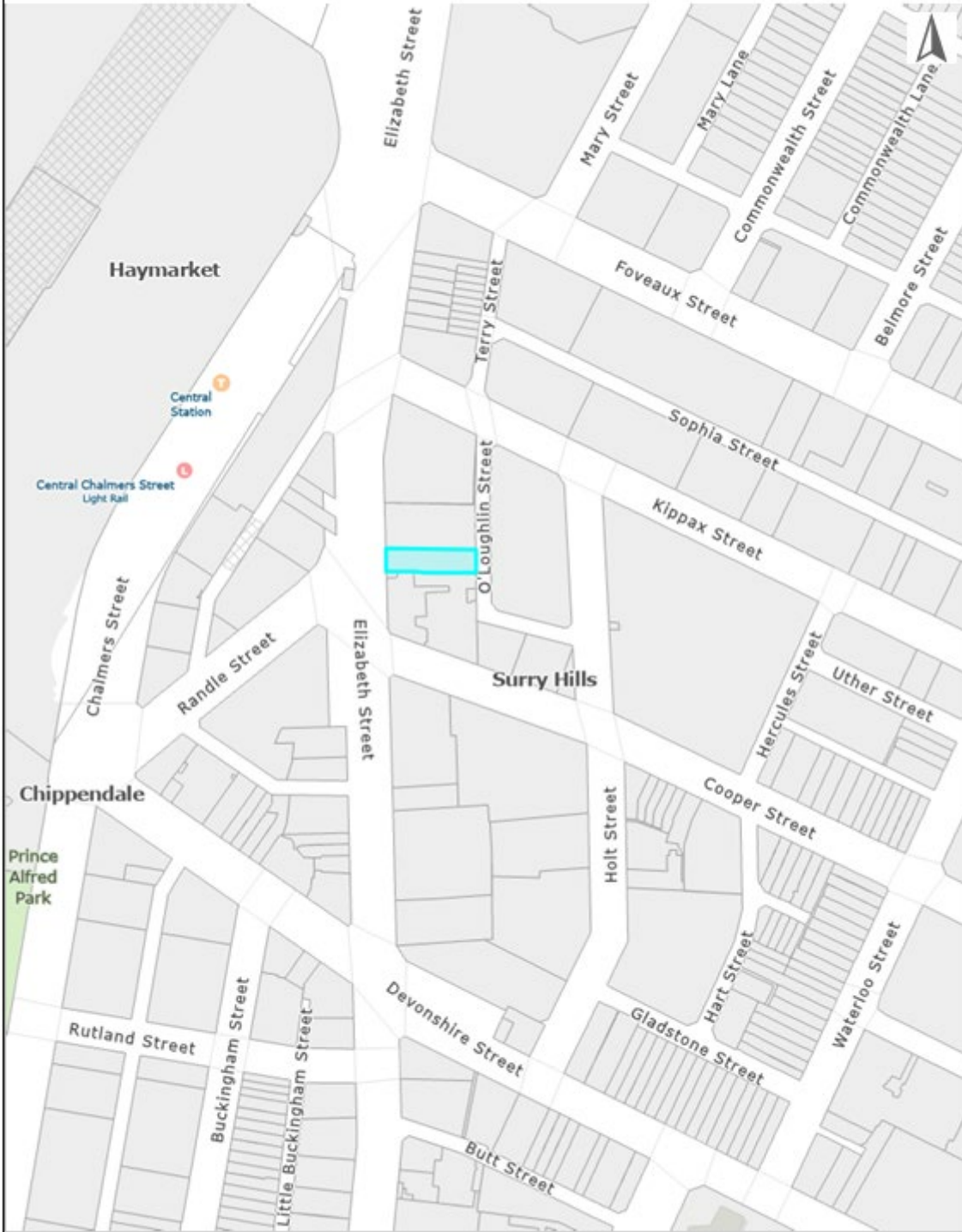
Report – August 2024

Summary table

Att. (A-G)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	356-358 Elizabeth Street, Surry Hills	Owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	535-571 Riley Street, Surry Hills	Owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
D ₅	18, 18A and 20 O’Dea Avenue, 19 and 21 Dunkerley Place, Waterloo	Owners have been issued with corrective action correspondence; follow up compliance site inspection was undertaken confirming all matters have been satisfactorily completed.
E	5 Sam Sing Street, Waterloo	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

**Inspection Report
356-358 Elizabeth Street, Surry Hills**



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Notes

17/06/2024

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and
Assessment Act 1979 (the Act)**

File: 3195325

Officer: Joe Kalgovas

Date: 18/06/2024

Premises: 356-358 Elizabeth Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 June 2024 with respect to matters of fire safety.

The premises consists of a four-storey building used as a hotel. The ground floor comprises a commercial space and reception with two upper levels with guest rooms.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Building Manager revealed the premises are deficient in fire safety and egress provisions in the following areas:

- (i) A lack of adequate facilities for firefighting;
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iv) Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
13/06/2024	FRNSW correspondence received regarding premises 358 Elizabeth Street, Surry Hills known as 356-358 Elizabeth Street, Surry Hills.
28/06/2024	An inspection of the subject premises was undertaken by a Council officer together with the Building Manager.
9/07/2024	Notice of Intention to issue a fire safety order (NOI) issued.

FIRE AND RESCUE NSW REPORT:

References: BFS24/1241 (34053) Trim 2024/349035.

Fire and Rescue NSW conducted an inspection of the subject premises on 19 March 2024 after receiving correspondence on 29 February 2024 about egress and sprinkler system inadequacies.

Issues: The report from FRNSW detailed a number of issues as tabled below:

Ref.	Issue	City response
1	Essential Fire Safety Measures - Sprinkler System	
i.	A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the main stop valve, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.	Inspection found that the block plan was missing and is required to be provided.
ii.	A location plate was not fixed on the external wall near to the location of the main stop valve, contrary to the requirements of Clause 8.4 of AS 2118.1-1999.	Inspection found that the location plate was missing and is required to be provided.
iii.	A stock of spare sprinklers and spanner could not be located on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.	Inspection found that the stock of spare sprinklers and spanner were missing and are required to be provided.
iv.	The stop valve was not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 8.2 of AS 2118.1-1999.	Inspection found that the stop valve was not secured and is required to be provided.
v.	A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.	Inspection found that the maximum allowable inlet pressure signage was missing and is required to be provided.
vi.	The glass screen to the pressure gauge at the booster has become opaque and was difficult to read, contrary to the requirements of Clause 8.12 of AS 2118.1-1999.	Inspection found the pressure gauge could not be read and is required to be replaced.
vii.	The sprinkler booster inlets did not include service labels/tags. Therefore, it could not be established whether the booster connection has received any routine servicing in accordance with the requirements of Clause 2.4.2 of AS 1851.	Inspection did not find any service tags and confirmation of servicing is to be provided.
1B.	Portable Fire Extinguishers (PFE) – PFEs do not appear to be provided so that the travel distance from the entrance doorway of any sole-occupancy unit to the nearest fire extinguisher is not more than 10m, contrary to the requirements of Clause E1D14(2)(c) of the NCC.	Portable Fire Extinguishers were found to be more than 10m from rooms and therefore additional extinguisher are required to be provided.
2.	Access & Egress	
2A.	<p>Fire Stairs - Items were stored in the path of travel to an exit and the exit stair way, at the eastern end of the premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.</p> <p>At the time of the inspection, management were advised of the issue and agreed to remove the stored items. On 20 March 2024 an email, including photographic evidence, was received from the</p>	Inspection did not find any stored items to or in the exit stairway. No further action proposed.

Ref.	Issue	City response
	General Manager of the premises confirming that the items had been removed.	
2B.	Operation of Latch – A number of exit doors within the premises incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.	Inspection found a number of non-compliant door handles which are required to be replaced.
2C.	Swinging Doors - The final exit door to O'Loughlin Street opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.	The building is approximately 100 years old and is built to the boundary so that an outward swinging door would pass over the road reserve. Signage to advise occupants of the swing of the door is proposed.
2D.	Openings in Barriers - The balustrade to the fire isolated stairs to the rear contained openings that would permit a 300 mm sphere to pass through the opening, contrary to the requirements of Clause D3D19 of the NCC.	Balustrading non-compliant with the current building code was found on inspection. Given the age of the building and that the stairway is only in use in the case of a fire no works are proposed.
3.	Compartmentation	
3A.	<p>Fire Isolated Stairways – The fire isolated stairway to the rear of the premises is of timber construction with timber framing exposed to the fire-isolated stair, contrary to the requirements of Clauses S5C11, C2D10 and D3D3 of the NCC.</p> <p>It is noted that the premises is sprinkler protected and that as such, a concession, in accordance with the provisions of Clause D2D4(1)(b) of the NCC, may have been granted to the premises at the time of approval. Further investigation by Council may be required.</p>	<p>The building is approximately 100 years old, and the construction of the stairway is not compliant with the current building code.</p> <p>The City records show fire safety upgrading works via a Fire Safety Order being completed on 3 March 2008. Works to the rear stairway and sprinkler system were part of the works. No further works proposed.</p>
3B.	Separation of external walls and associated openings in different fire compartments – Window drenchers were noted above some of the windows to the central lightwell of the premises however, not all the windows appear to be covered by drenchers. It could not be determined whether windows without drenchers have been appropriately protected by other methods, in accordance with the provisions of Clause C4D5(1)(b) of the NCC. Further investigation by Council may be required.	Inspection found that only the upper windows of the lightwell were protected. All windows are required to be protected.
4.	Miscellaneous	
4A.	Protection of Openable Windows - Openable windows to public corridors within the premises, which appear to have a fall greater than 4m to the surface beneath the window, have sill heights (barriers) which appears to be less than 865mm above the floor and an opening which permits a 125mm sphere to pass through it, contrary to the requirements of Clause D3D29(3)&(4) of the NCC.	<p>Clauses are not applicable to openable windows which were found at each end of the public corridors serving the rooms. Further these windows are not in the path of travel to an exit.</p> <p>No action proposed.</p>

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations:

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW will also await Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the *Environmental Planning and Assessment Act 1979*.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention to issue a fire safety order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2024/389758	Copy of current and or proposed fire safety order (NOI)
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Trim Reference: 2024/356360

CSM reference No#: 3195325



File Ref. No: BFS24/1241 (34053)
TRIM Ref. No: D2024/054327
Contact: Conor Hackett

13 June 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
CENTRAL PRIVATE HOTEL
358 ELIZABETH ST SURRY HILLS (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 29 February 2024 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

Egress from Upper floors and to the basement where the sprinkler system is an internal timber stairway - no signage for sprinkler system - no block plan-access to sprinkler system was blocked by storage materials in the basement area.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected ‘the premises’ on 19 March 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Sprinkler System –

- i. A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the main stop valve, contrary to the requirements of Clause 8.3 of AS 2118.1–1999.
- ii. A location plate was not fixed on the external wall near to the location of the main stop valve, contrary to the requirements of Clause 8.4 of AS 2118.1-1999.
- iii. A stock of spare sprinklers and spanner could not be located on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- iv. The stop valve was not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 8.2 of AS 2118.1–1999.
- v. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.
- vi. The glass screen to the pressure gauge at the booster has become opaque and was difficult to read, contrary to the requirements of Clause 8.12 of AS 2118.1–1999.
- vii. The sprinkler booster inlets did not include service labels/tags. Therefore, it could not be established whether the booster connection has received any routine servicing in accordance with the requirements of Clause 2.4.2 of AS 1851.

- 1B. Portable Fire Extinguishers (PFE) – PFEs do not appear to be provided so that the travel distance from the entrance doorway of any sole-occupancy unit to the nearest fire extinguisher is not more than 10m, contrary to the requirements of Clause E1D14(2)(c) of the NCC.

2. Access & Egress

- 2A. Fire Stairs - Items were stored in the path of travel to an exit and the exit stair way, at the eastern end of the premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.

At the time of the inspection, management were advised of the issue and agreed to remove the stored items. On 20 March 2024 an email, including photographic evidence, was received from the General Manager of the premises confirming that the items had been removed.

- 2B. Operation of Latch – A number of exit doors within the premises incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.
- 2C. Swinging Doors - The final exit door to O'Loughlin Street opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.
- 2D. Openings in Barriers - The balustrade to the fire isolated stairs to the rear contained openings that would permit a 300 mm sphere to pass through the opening, contrary to the requirements of Clause D3D19 of the NCC.

3. Compartmentation

- 3A. Fire Isolated Stairways – The fire isolated stairway to the rear of the premises is of timber construction with timber framing exposed to the fire-isolated stair, contrary to the requirements of Clauses S5C11, C2D10 and D3D3 of the NCC.

It is noted that the premises is sprinkler protected and that as such, a concession, in accordance with the provisions of Clause D2D4(1)(b) of the NCC, may have been granted to the premises at the time of approval. Further investigation by Council may be required.

- 3B. Separation of external walls and associated openings in different fire compartments – Window drenchers were noted above some of the windows to the central lightwell of the premises however, not all the windows appear to be covered by drenchers. It could not be determined whether windows without drenchers have been appropriately protected by other methods, in accordance with the provisions of Clause C4D5(1)(b) of the NCC. Further investigation by Council may be required.

4. Generally

- 4A. Protection of Openable Windows - Openable windows to public corridors within the premises, which appear to have a fall greater than 4m to the surface beneath the window, have sill heights (barriers) which appears to be less than 865mm above the floor and an opening which permits a 125mm sphere to pass through it, contrary to the requirements of Clause D3D29(3)&(4) of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council’s advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Conor Hackett of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1241 (34053) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

**Inspection Report
535-571 Riley Street, Surry Hills**



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Notes

7/06/2024

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and
Assessment Act 1979 (the Act)**

File: CSM3191428

Officer: Joe Kalgovas

Date: 6 June 2024

Premises: 535-571 Riley Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 June 2024 with respect to matters of fire safety. NSWFB refers to the property as 33 Belvoir St Surry Hills however Council's property information system has identified it as 535 – 571 Riley St Surry Hills.

The premises consists of a multi storey central building surrounded by 3 and 4 storey lower-level town style buildings over underground basement carparking and small offices at ground level.

An inspection of the premises undertaken by a Council investigation officer in the presence of a project officer, project managers and contractors from homes NSW revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) A lack of adequate facilities for firefighting;
- (ii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
6/06/2024	FRNSW correspondence received regarding premises at 33 Belvoir Street Surry Hills also known as 535-571 Riley Street Surry Hills.
14/06/2024	An inspection of the subject premises was undertaken by a Council officer with the project officer, project managers and contractors from Homes NSW.
25/06/2024	Issued Notice of Intention to issue a fire safety order (NOI).

FIRE AND RESCUE NSW REPORT:

References: FRNSW: BFS24/2641 (35311), D24/62307, TRIM 2024/337062.

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of a functioning fire alarm system on 14 May 2024.

The report from FRNSW detailed a number of issues as tabled below:

Ref	Issue	City response
1.	Essential Fire Safety Measures	
1A.	Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 - “Service of fire protection systems and equipment”, requires essential service measures to be regularly tested. The following are noted:	
	A. Sprinkler Pump – At the time of the inspection, the sprinkler pump control panel indicated that the alarm was isolated. Following the inspection, staff from Homes NSW (acting on behalf of NSW Land and Housing Corporation) were advised of the issue with the pump and agreed to engage a service technician to investigate. On 16 May 2024 an email, including photographic evidence, was received from Homes NSW confirming that the isolation had been removed and the pump returned to normal operation.	Evidence confirming compliance to normal operation provided. No further action.
	B. Logbooks – The recent service records, dated 5 Apr 2024 & 10 May 2024, for the fire hydrant pump set indicates that the pump failed a pressure test – i.e. the pressure gauge reading was not within the required range indicated on the pressure gauge schedule. As noted below, access was not available to the hydrant pump room at the time of the inspection to investigate. Further investigation by Council may be required.	Log books show a failure due to the lack of a pressure gauge. Log book entry to be corrected.
	C. Exit Signs – A number of exit signs within the basement carpark did not appear to be operating.	Several exit signs were not illuminated. Non-operational exit signage to be repaired.
1B.	Zone Block Plan – A Zone Block Plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.	Missing Zone Block Plan is to be provided.
1C.	Sprinkler Coverage – The building contains a Class 2 part and has a rise in stories of more than 4 however, all parts of the building are not sprinkler protected, contrary to the requirements of Clause E1D6 and Specification 17 or 18 of the NCC.	The Clause and Specification referenced are for the construction of a new building. Additionally, the building contains a small class 5 office tenancy at ground level.
1D.	Hydrant Pumproom – The door lock to the hydrant pump room was not fitted with a lock compatible with fire brigade operational procedures and is not therefore readily accessible to fire brigade personnel, contrary to the requirements of Clause 11.3 of AS2941-2013.	Provide access to the hydrant pump room which is readily accessible to fire and rescue personnel.

Ref	Issue	City response
1E.	<p>Fire Hydrant System – The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:</p>	<p>The fire hydrant system is to be upgraded, see below terms.</p>
	<p>A. The height of the fire brigade booster inlets appears to be less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.5.4 of AS2419.1-2021.</p>	<p>Fire brigade booster inlets are to be raised to achieve a minimum of 750mm above the standing surface.</p>
	<p>B. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.</p>	<p>Feed fire hydrants are to be installed onsite adjacent to the booster inlet connections.</p>
	<p>C. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.</p>	<p>Internal hydrants throughout the premises are to be relocated within the required fire-isolated stairways.</p>
	<p>D. The block plan indicates that the booster assembly may be connected ‘in series’ with the fixed on-site fire pump in accordance with the requirements of Clause 6.8 of AS 2419.1-2021. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 6.8.2(c) of AS 2419.1-2021.</p> <p>The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.</p> <p><i>When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.</i></p> <p><i>It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.</i></p>	<p>A new block plan clarifying that the assembly is not in series is to be provided at the booster assembly.</p>
2.	Access & Egress	
2A.	<p>Operation of Latch – The exit door adjacent the car park driveway, incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.</p>	<p>The handle of the exit door is to be replaced with lever handle.</p>

Ref	Issue	City response
2B.	Exit Signs – The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. Within certain areas of the basement carpark, at first sight, there are insufficient cues to identify where the exits are located. A review of the exit strategy may be required.	Where exits are not apparent in the basement carpark provide additional signage or relocate existing signage.
3.	Generally	
3A.	Barrier Climbability – The floor level of the roof top is more than 4m to the surface beneath and the balustrades contains horizontal elements between 150mm and 760mm above the floor level which would facilitate climbing, contrary to the requirements of Clause D3D20 of the NCC.	The configuration re climb ability of the external barrier is not considered a fire safety measure. However, inspection revealed the necessity for barriers to be provided along the path of travel to exits at roof top level.
3B.	<p>Issues requiring further investigation – Since lodgement of the fire safety concern, the complainant has submitted multiple concerns alleging further instances of nuisance alarms. It should be noted that no alarms could be heard at the time of FRNSWs inspection.</p> <p>In this regard, issues relating to the ongoing operation, maintenance and testing of the smoke detection and alarm system in the building falls outside of the scope of FRNSW investigative powers to proceed.</p> <p>It is at Council’s discretion, as the appropriate regulatory authority, to review its own records, conduct its own inspection/investigation and make its own determination.</p>	City file E/2004/2497 records a current Annual Fire Safety Statement dated 21/09/2023. Certification of the system is to be provided.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have made number of recommendations within their report. In general, FRNSW have requested that Council inspect the subject premises, review and appropriately address noted (and other) deficiencies identified within their report.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention (NOI) for a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

<input type="checkbox"/> 2024/358696	Copy of notice of intention to serve an order
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Trim Reference: 2024/337062

CSM reference: No 3191428



File Ref. No: BFS24/2641 (35311)
TRIM Ref. No: D24/62307
Contact: Conor Hackett

30 May 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
THE POTTERY
33 BELVOIR STREET SURRY HILLS (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 6 May 2024 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

The fire alarm is going off 24/7 for the last 10 days and no one in Housing NSW/FACS is doing anything about it after continuous stream of complaints to the local housing office.

Regardless of the fact that the residents are not covered by the safety of a functioning fire alarm system is simply inhumane to subject residents to this form of torture.

Please turn off the fire alarm. Ten day running is too much on the residents nerve.

Housing NSW/FACS are not doing anything about this.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected ‘the premises’ on 14 May 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:

- A. Sprinkler Pump – At the time of the inspection, the sprinkler pump control panel indicated that the alarm was isolated.

Following the inspection, staff from Homes NSW (acting on behalf of NSW Land and Housing Corporation) were advised of the issue with the pump and agreed to engage a service technician to investigate.

On 16 May 2024 an email, including photographic evidence, was received from Homes NSW confirming that the isolation had been removed and the pump returned to normal operation.

- B. Logbooks – The recent service records, dated 5 Apr 2024 & 10 May 2024, for the fire hydrant pump set indicates that the pump failed a pressure test – i.e. the pressure gauge reading was not within the

required range indicated on the pressure gauge schedule. As noted below, access was not available to the hydrant pump room at the time of the inspection to investigate. Further investigation by Council may be required.

- C. Exit Signs - A number of exit signs within the basement carpark did not appear to be operating.

- 1B. Zone Block Plan – A Zone Block Plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.

- 1C. Sprinkler Coverage - The building contains a Class 2 part and has a rise in stories of more than 4 however, all parts of the building are not sprinkler protected, contrary to the requirements of Clause E1D6 and Specification 17 or 18 of the NCC.

- 1D. Hydrant Pumproom – The door lock to the hydrant pump room was not fitted with a lock compatible with fire brigade operational procedures and is not therefore readily accessible to fire brigade personnel, contrary to the requirements of Clause 11.3 of AS2941-2013.

- 1E. Fire Hydrant SystemThe fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:
 - A. The height of the fire brigade booster inlets appears to be less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.5.4 of AS2419.1-2021.

 - B. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.

 - C. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.

 - D. The block plan indicates that the booster assembly may be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 6.8 of AS 2419.1-2021. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 6.8.2(c) of AS 2419.1-2021.

The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.

When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

2. Access & Egress

- 2A. Operation of Latch – The exit door adjacent the car park driveway, incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.
- 2B. Exit Signs - The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. Within certain areas of the basement carpark, at first sight, there are insufficient cues to identify where the exits are located. A review of the exit strategy may be required.

3. Generally

- 3A. Barrier Climbability - The floor level of the roof top is more than 4m to the surface beneath and the balustrades contains horizontal elements between 150mm and 760mm above the floor level which would facilitate climbing, contrary to the requirements of Clause D3D20 of the NCC.
- 3B. Issues requiring further investigation – Since lodgement of the fire safety concern, the complainant has submitted multiple concerns alleging further instances of nuisance alarms. It should be noted that no alarms could be heard at the time of FRNSWs inspection.

In this regard, issues relating to the ongoing operation, maintenance and testing of the smoke detection and alarm system in the building falls outside of the scope of FRNSW investigative powers to proceed.

It is at Council's discretion, as the appropriate regulatory authority, to review its own records, conduct its own inspection/investigation and make its own determination.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/2641 (35311) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

**Inspection Report
18, 18A and 20 O'Dea Avenue and 19 and 21
Dunkerley Place, Waterloo**



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Notes

1/000204

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 3180241

Officer: Tanya O’Casey

Date: 08/07/2024

Premises: 18, 18A & 20 O’Dea Ave, 19 & 21 Dunkerley PI Waterloo

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 30 April 2024 with respect to matters of fire safety for Buildings on the site.

The site known as ‘Waterfall by Crown’ consists of a mixed-use development comprising of four residential flat buildings ranging in height from 8 to 22 storeys above ground (3 below) with a total of 331 apartments, and two ground floor retail premises.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Building Manager revealed most of the items identified by NSW Fire and Rescue were rectified prior to the inspection, however the premises remains deficient in fire safety provisions in the following areas:

- (i) No telephone connection in the fire control room.
- (ii) Fire Hydrant flow tests and signage adjustment.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there were several minor fire safety “maintenance and management” works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works were addressed by routine corrective maintenance actions undertaken by the owner’s fire service contractor(s) prior to the issue of the AFSS, through written instruction from Council.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
18 March 2024	FRNSW correspondence received regarding premises 18 O’Dea Avenue Waterloo.
28 May 2024	An inspection of the subject premises was undertaken by a Council officer where it found that the concerns raised by Fire and Rescue NSW had been addressed and or would be addressed by the issue of the Annual Fire Safety Statement.
17 June 2024	The strata manager was emailed a request to provide a formal reply to the concerns raised by NSW Fire and Rescue.
28 June 2024	The Annual Fire Safety Statement for the development was submitted to council.
09 July 2024	Strata Manager update – ongoing minor rectification works required

FIRE AND RESCUE NSW REPORT:

References: FRNSW: BFS/24/1553 (34325), D24/049081, TRIM 2024/398449

Fire and Rescue NSW conducted an inspection of the subject premises on the 15 January 2024 after receiving an enquiry about the adequacy of the provision for fire safety in connection with 'the premises'.

Issues The report from FRNSW detailed a number of issues as tabled below:

Ref.	Issue	City response
1	Certification	
1A.	The Annual Fire Safety Statement is due around March of each year. The building manager advised FRNSW that some of the items identified below have been reported to The Owners, as faults requiring rectification, prior to completing the AFSS.	AFSS Submitted 28 June 2024
2	Essential Fire Safety Measures	
2A.	Fire Hydrant System	
	A. Revise and upgrade boost pressure signage.	Signage rectified by DA Fire 27/06/2024
	B. The In-Series (Relay) Warning sign at the hydrant booster identifies the incorrect levels in which the RELAY PUMP serves. This may affect operations, with the risk of the incorrect pressure zone being boosted resulting in 700 kPa not being achieved at the internal hydrants during firefighting operations, contrary to the requirements of Table 2.2 of AS 2419.1-2005. FRNSW observed the HIGH-STAGE pressure zone starting on Level 11 and Level 18 on two different signs. The correct level should be verified.	Signage rectified by DA Fire 27/06/2024
	C. The identification plates that were affixed to each pump in the pump room showing the pumps operational information were illegible, contrary to the requirements of Clause 3.13.2 of AS 2941-2013. FRNSW used a whiteboard marker to read the panel.	Signage installed prior to council inspection.
2B	Smoke Detection and Alarm System (SDAS)	
	i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) fault events.	One fault is a float valve on the combined tank and will be rectified when DA Fire next conduct maintenance on the tank.
	ii. Plastic protective covers were found on Smoke Detectors within multiple ground floor retail premises, contrary to the requirements of AS 1670.1-2004.	Plastic Protective covers removed
2C	Fire Control Centres	
	A. The telephone in the Fire Control Room was not connected directly to an external telephone exchange, contrary to the requirements of Specification S19C10(1)(b) of National Construction Code 2022, Volume 1 Building Code of Australia (NCC). When FRNSW attempted to utilise the telephone, there was no dial tone.	The building's communication contractor is investigating.

Ref.	Issue	City response
2D	Access and Egress	
	B. The emergency exit sign for the exit gate to Dunkerley Place is not between 2m and 2.7m above floor level and will not be clearly visible to occupants during evacuation, contrary to the requirements of Clause 6.8.1 of AS 2293.1-2005 and Clause E4P2 of the NCC.	Emergency exit sign relocated
	C. Multiple ground floor retail premises had their emergency exit doors blocked by retail and other stored items, contrary to the requirements of Clause 109 of EPAR21.	Exits cleared May 2024
	D. The artificial and emergency lighting at bottom of B1 stairs and pathway to pump room was not operational, contrary to Section 81 of EPAR21.	Rectified June 2024
	E. The required exit from the hydrant pump room providing direct egress to an enclosed passageway did not have an exit sign installed, contrary to the requirements of Clause E4D5 of the NCC.	Exit Signage installed
	F. Multiple exit signs in the B1 carpark were not illuminated, contrary to the requirements of Section 81 of EPAR21.	Rectified
	G. The exit signs leading in and out of the B1 lift lobby are contradictory to each other and do not guide occupants to an exit, contrary to the requirements of E4P2 of the NCC.	Rectified
	H. The pictorial element on the exit sign at the ground floor exit of building C was not present, contrary to the requirements of Section E4D8 of the NCC 2022.	Rectified
3	General	
	A. The fire door to the pump room passage from the B1 carpark failed to return to the fully closed position and may not achieve its fire-resistance level due to damage, contrary to the requirements of Clause C4D9 of the NCC.	Door Closer replaced May 2024

FRNSW Recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that Council review the items listed within the report and conduct an inspection and address any other deficiencies identified on 'the premises'.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspection undertaken by Council’s investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The correspondence has requested that building management carry out remedial works (to be specified) to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time. That the Commissioner of FRNSW be advised of Council’s actions and determination.

Referenced/Attached Documents:

<input type="checkbox"/>	2024/398449-02 Copy of Councils Corrective action letter
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Trim Reference: 2024/398449

CSM reference No#: 3180241



File Ref. No: BFS24/1553 (34325)
TRIM Ref. No: D24/049081
Contact: Fire Safety Officer David Weekes

30 April 2024

General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
WATERFALL BY CROWN
18 O'DEA AVENUE WATERLOO (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 18 March 2024 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

- 1. *Ongoing issues with the fire alarm at Waterfall Building activating during the day and night causing call outs by Fire and Rescue NSW. The last time it went off on 17 January, there was an issue with one of exterior sensors in building D and Fire and Rescue NSW managed to reset it. Over the last 2+ years I've lived in the building, the fire alarm has activated at various times of the day and night, more so than any other building I've lived in. In terms of history, the fire alarm at Waterfall activated at least 3 times during January 2023. On some occasions it activated twice in quick succession. Given people are working at home this was hugely disruptive and I said at the time I believe it presents a fire safety risk. The more the alarm goes off the less likely people are to react. In July 2022 I wrote to Strata and the Building Management as on that occasion it was the 3rd full evacuation of the building in <10 weeks and the second in the early hours of the morning, back in May 2022 it was 3am and in July 2022 it was around 1.50am. I'm concerned the fire safety system at Waterfall is not effective*

and there is a serious lack of attention being paid to it being fixed. It's also expensive every time there is a call out from Fire and Rescue NSW.

2. There are further issues today at Waterfall (17 March) with all the access control and lifts not working in building C and B at Waterfall (other buildings may also be affected). Pushing the green buttons to exit through the exterior doors on ground level as you come out of the lifts (all of which are also fire doors) are not working and therefore a fire safety risk as residents cannot use these doors for egress. The same happened on 29 Feb. Exterior fire doors around the building on the ground floor should be designed surely to auto release in case of a power outage or building control access issues?

3. Missing 'fire exit signs' on certain landings / above ground floor doors - this may be due to the wind (there is one missing in Building C, ground level, plus Level 7 on Building C).

Can I invite FRNSW to conduct an inspection of the premises under Section 9.32 of the Environmental Planning and Assessment Act 1979, and subject to the outcomes of the inspection, to take any appropriate regulatory action required in relation to any defect or deficiency identified. The issues above have been outstanding and are not being given sufficient attention.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 10 April 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

The following items were identified during the inspection:

1. Certification
 - 1A. The Annual Fire Safety Statement is due around March of each year. The building manager advised FRNSW that some of the items identified below have been reported to The Owners, as faults requiring rectification, prior to completing the AFSS.
2. Essential Fire Safety Measures

2A. Fire Hydrant System

- A. The boost pressure signage is intended to advise firefighters of the pressure required to be pumped into the fire brigade boost inlet connection to achieve operational pressures. Where a RELAY pump is installed, the relay pump adds to FRNSW pressure to achieve the required pressures in high-stage pressure zones.

FRNSW are of the opinion that the 'displayed' boost pressure of 1510 kPa is intended to be the RELAY pump discharge pressure, not FRNSW boost pressure. As such, there could be a possibility that the relay pump discharge pressure could exceed 2000 kPa.

When a fire brigade pumping appliance boosts the relay pump, the maximum discharge pressure at the most hydraulically advantaged hydrant outlet will be greater than 1200 kPa, contrary to the requirements of Clause 2.9 of AS 2118.6-2012 and Clause 2.3.2 of AS 2419.1-2005. FRNSW estimate that the hydrants on Level 11, (bottom of the high-stage pressure zone) will be approximately 1300 kPa.

FRNSW position statement [FRNSW pump performance for high rise buildings](#) states, the fire hydrant system is to be designed for a 'Boost Pressure' of 950 kPa being input into the fire brigade booster connection from a standard FRNSW pumper, for buildings having an effective height greater than 50 m and requiring a fire brigade relay pump. FRNSW are of the opinion that the boost pressure signage should state, BOOST PRESSURE 950kPa and the relay pump be modified to ensure correct operational pressures.

Additional signage should be installed at the 150mm pressure gauge similar to *Figure 1*, to advise firefighters of the required pressure at the RELAY PUMP discharge.

- B. The In-Series (Relay) Warning sign at the hydrant booster identifies the incorrect levels in which the RELAY PUMP serves. This may affect operations, with the risk of the incorrect pressure zone being boosted resulting in 700 kPa not being achieved at the internal hydrants during firefighting operations, contrary to the requirements of Table 2.2 of AS 2419.1-2005. FRNSW observed the HIGH-STAGE pressure zone starting on Level 11 and Level 18 on two different signs. The correct level should be verified.
- C. The identification plates that were affixed to each pump in the pump room showing the pumps operational information were illegible, contrary to the requirements of Clause 3.13.2 of AS 2941-2013. FRNSW used a whiteboard marker to read the panel.

2B. Smoke Detection and Alarm System (SDAS)

- A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). FRNSW observed the following which may affect the operation of the SDAS:
 - i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) fault events.
 - ii. Plastic protective covers were found on Smoke Detectors within multiple ground floor retail premises, contrary to the requirements of AS 1670.1–2004.

2C. Fire Control Centres

- A. The telephone in the Fire Control Room was not connected directly to an external telephone exchange, contrary to the requirements of Specification S19C10(1)(b) of National Construction Code 2022, Volume 1 Building Code of Australia (NCC). When FRNSW attempted to utilise the telephone, there was no dial tone.

2D. Access and Egress

- A. The required exit gate to Dunkerley Place (identified in the fire safety complaint) is not readily openable without a key during a power outage, and was not supplied an emergency door release mechanism, contrary to the requirements of Clause D3D26 of the NCC.
- B. The emergency exit sign for the exit gate to Dunkerley Place is not between 2m and 2.7m above floor level and will not be clearly visible to occupants during evacuation, contrary to the requirements of Clause 6.8.1 of AS 2293.1-2005 and Clause E4P2 of the NCC.
- C. Multiple ground floor retail premises had their emergency exit doors blocked by retail and other stored items, contrary to the requirements of Clause 109 of EPAR21.
- D. The artificial and emergency lighting at bottom of B1 stairs and pathway to pump room was not operational, contrary to Section 81 of EPAR21.
- E. The required exit from the hydrant pump room providing direct egress to an enclosed passageway did not have an exit sign installed, contrary to the requirements of Clause E4D5 of the NCC.
- F. Multiple exit signs in the B1 carpark were not illuminated, contrary to the requirements of Section 81 of EPAR21.

- G. The exit signs leading in and out of the B1 lift lobby are contradictory to each other and do not guide occupants to an exit, contrary to the requirements of E4P2 of the NCC.
- H. The pictorial element on the exit sign at the ground floor exit of building C was not present, contrary to the requirements of Section E4D8 of the NCC 2022.

3. General

3A. Compartmentation and Separation

- A. The fire door to the pump room passage from the B1 carpark failed to return to the fully closed position and may not achieve its fire-resistance level due to damage, contrary to the requirements of Clause C4D9 of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council’s advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Fire Safety Officer David Weekes of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1553 (34325) regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

FRNSW
WHEN USING THE
MANUAL START RELAY
PUMPSET
FOR FIRES L??-ROOF
THIS PRESSURE
GAUGE IS TO
DISPLAY XXXX KPA

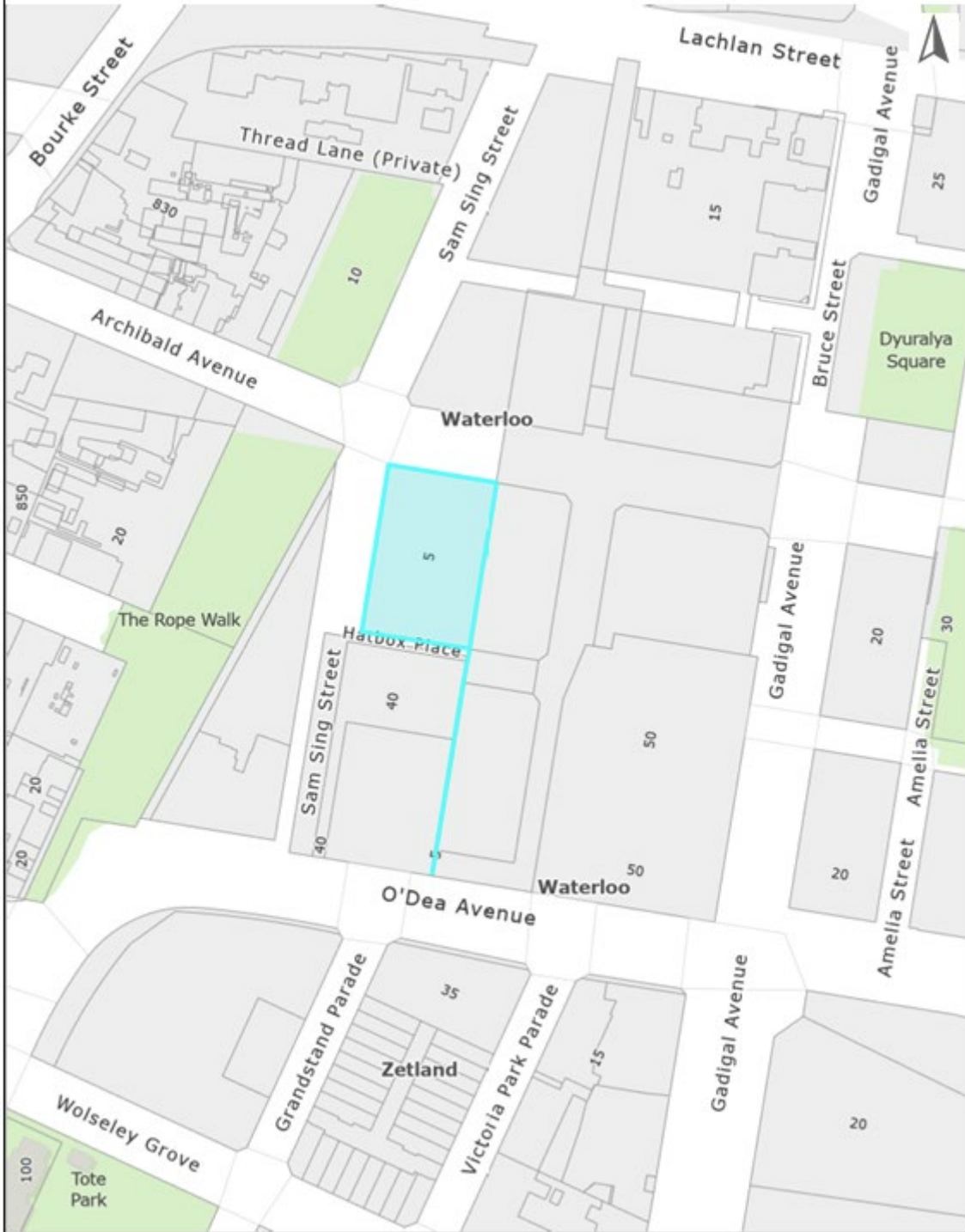


Figure 1

Attachment E

**Inspection Report
5 Sam Sing Street, Waterloo**

5 Sam Sing Street Waterloo



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Notes

10/05/2024

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and
Assessment Act 1979 (the Act)**

**File: CSM 3171894
2024**

Officer: Tanya O'Casey

Date: 05 July

Premises: 5 Sam Sing Street Waterloo NSW 2017

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 12 April 2024 with respect to matters of fire safety and the use of one unit as an Air BnB. A review of the Service NSW register has confirmed that the unit is not currently registered for use as an Air BNB and the matter has been referred to councils' investigations team for further action.

The site known as "Tower Residences" consists of a mixed-use development comprising two 4-storey buildings and one 20-storey tower respectively above three levels of basement car parking. The development is mixed use and includes 172 apartments, & 3 retail tenancies and 1 food and drink premises.

An inspection of the buildings undertaken by a Council investigation officer in the presence of the Building Manager on the 7 May 2024 revealed that most of the items identified by NSW Fire and Rescue were rectified prior to the inspection, however the premises remains deficient in fire safety provisions in the following areas:

- (i) Deficient fire stopping provided to service penetrations.
- (ii) Inadequate fire separation between the garbage room and the carpark.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there remains several minor fire safety 'maintenance and management' works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by minor works and routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence of metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
08 January 2024	FRNSW received concerns regarding the adequacy of the provision for fire safety.
15 January 2024	FRNSW undertook an inspection.
12 April 2024	City of Sydney received FRNSW correspondence regarding premises.
07 May 2024	An inspection of the subject premises was undertaken by a Council officer and revealed the generally the fire services within the building were being maintained, however a number of items require rectification.
27 May 2024	Emailed Strata Manager a request for a schedule of works.
19 June 2024	Strata manager provided a passive fire solution report. Passive Engineering Service who are coordinating with a qualified passive fire contractor to carry out the works to comply with NCC 2019, C3.15. The works are expected to be completed within the next four to six weeks.
05 July 2024	Advice received from the strata manager. The passive fire protection materials will arrive on site early next weeks and will take approx. 3 weeks to complete. Upon completion the passive fire contractor will issue compliance certificate. All other works have been completed.

FIRE AND RESCUE NSW REPORT:

References: FRNSW BFS24/75 (32990) TRIM Ref. No: D24/36516 TRIM: 2024/233072

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of a functioning fire alarm system on 15 January 2024.

Issues The report from FRNSW detailed a number of issues as tabled below:

Ref.	Issue	City response
1.	Essential Fire Safety Measures	
	A. The Fire Brigade Panel (FBP) was displaying two (x2) faults identified as 'P2241.26.6 Common Dirty Alert' and 'Z3038 – Block 2 Level 1 & 2'.	Rectified prior to the inspection
1B	Emergency Warning & Intercom System (EWIS):	
	A. The Evacuation System Control Panel was displaying One (x1) 'WIP' fault identified as 'Hat Box Building Level 3&4'.	Rectified prior to the inspection
1C	Fire Hydrant System	
	A, The hydrant booster assembly:	
	i. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.	Rectified
	B The Pumproom	
	i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with a 003 key lock.	Rectified prior to the inspection
	ii. Non fire equipment, consisting of bulk lifting bags full of landscaping and building supplies, were being stored in the pumproom which was obstructing the circulation space around the pump sets and access to the fire stair door.	Rectified prior to the inspection

Ref.	Issue	City response
	C. The hydrant pump set:	
	i. The pump control panel for the primary diesel pump indicated a low fuel level. It is therefore unlikely that the pump set will be able to supply water to the fire hydrant system for the required duration.	Rectified prior to the inspection
	D. All isolating valves were not clearly identified with a tag showing the valve number on the block plan, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.	Rectified prior to the inspection with paper signage – to be replaced with engraved metal
	E. The fire hydrant landing valve on Level 1 in Building 1 was missing the handwheel and was inoperable.	Rectified
1D	Automatic Fire Suppression System	
	A The sprinkler valves:	
	i. A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.	Rectified prior to the inspection
1E	Fire Doors:	
	A. The double fire doors to the basement level garbage room (beneath building C), which forms the bottom of the garbage shaft, failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Specification 12 of the NCC and AS 1905.1. In this regard, the self-closing device was disengaged, causing the fire doors to remain open.	Rectified prior to the inspection
	B. The fire door to the pumproom/airlock failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1.	Rectified prior to the inspection
	C. Metal tags – The metal tags that have been installed to the fire doors and frames throughout the premises are not permanently and mechanically fixed to minimise the possibility of detachment, contrary to the requirements of Clause 6.1.3 of AS 1905.1-2015.	Rectified prior to the inspection – Certification for all doors required.
1F	Exit signs:	
	A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Rectified prior to the inspection
2	Fire Resistance	
2A	Openings in floors for services	
	A. Service penetrations within the 'Hot Water Meters' cupboards/ enclosures. B.	Not yet addressed
	B. Service penetrations within the 'Mechanical' cupboards/enclosures.	Not yet addressed
	C. Service penetrations with the 'Electrical Meters' cupboards/ enclosures.	Not yet addressed
2B	Enclosure of shafts – The garbage room located on the basement floor level (beneath Building 3), which forms the bottom of the garbage chute shaft serving the residential levels, did not appear to be adequately fire separated from the remainder of the storey, contrary to the requirements of Clause C5C8 of Specification 5 of the NCC.	Not yet addressed

Ref.	Issue	City response
3	Access & Egress	
3A	Handrails – The handrails in the fire isolated stairways were not continuous between stair flight landings, contrary to the requirements of Clause D3D22(e) of the NCC.	Rectified post inspection – certification required.
3B	Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside, re-entry was not available on every fourth floor and the doors on the other levels were not provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm, contrary to the requirements of Clause D3D27 of the NCC.	Not yet addressed

FRNSW believes that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that Council review the items listed within the report and conduct an inspection and address any other deficiencies identified on 'the premises'.

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of site inspection undertaken by Council's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The correspondence has requested that building management carry out remedial works (to be specified) to existing fire systems to comply with required standards of performance.

Follow-up compliance inspections are currently being undertaken by a Council investigation officer, and will continue, to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

<input type="checkbox"/>	2024/397781-03 Copy of the passive fire solution report undertaken by Passive Engineering Service
<input type="checkbox"/>	2024/397781-01 Copy of Councils Corrective action letter

Trim Reference: 2024/397781

CSM reference No#: 3171894



File Ref. No: BFS24/75 (32990)
TRIM Ref. No: D24/36516
Contact: Mark Knowles

12 April 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'TOWER RESIDENCES'
5 SAM SING STREET, WATERLOO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 8 January 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *This is an airbnb and they have the smoke alarm covered in plastic. It has been reported to airbnb and they said to lodge a complaint here. We were just concerned that not only was it illegal but could cause a fatality in the future.*

A photograph was provided with the correspondence and has been attached below.



Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 15 January 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

The correspondence received indicated Unit 11401 was being used as an Airbnb and the smoke alarm within the unit was covered with plastic. Access was not available at the time of the inspection to verify the validity of the concern.

As Councils' generally have extensive powers beyond that of FRNSW, particularly for access and enforcement of residential units, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

Notwithstanding this, the following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

A. The Fire Brigade Panel (FBP) was displaying:

- i. Two (x2) faults identified as 'P2241.26.6 Common Dirty Alert' and 'Z3038 – Block 2 Level 1 & 2'.

1B. Emergency Warning & Intercom System (EWIS):

A. The Evacuation System Control Panel was displaying:

- i. One (x1) 'WIP' fault identified as 'Hat Box Building Level 3&4'.

1C. Fire Hydrant System – The annual fire safety statement / hydrant block plan on display listed the standard of performance for the hydrant system as being AS 2419-1-2005. As such, the following comments are provided having regard to AS 2419.1-2005:

- A. The hydrant booster assembly:
 - i. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
 - B. The pumphoom:
 - i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with a 003 key lock.
 - ii. Non fire equipment, consisting of bulk lifting bags full of landscaping and building supplies, were being stored in the pumphoom which was obstructing the circulation space around the pumpsets and access to the fire stair door.
 - C. The hydrant pumpset:
 - i. The pump control panel for the primary diesel pump indicated a low fuel level. It is therefore unlikely that the pumpset will be able to supply water to the fire hydrant system for the required duration.
 - D. All isolating valves were not clearly identified with a tag showing the valve number on the block plan, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
 - E. The fire hydrant landing valve on Level 1 in Building 1 was missing the handwheel and was inoperable.
- 1D. Automatic Fire Suppression System – The annual fire safety statement on display listed the standard of performance for the hydrant system as being AS 2118.1-1999. As such, the following comments are provided having regard to AS 2118.1-1999:
- A. The sprinkler valves:
 - i. A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- 1E. Fire Doors:
- A. The double fire doors to the basement level garbage room (beneath building C), which forms the bottom of the garbage shaft, failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Specification 12 of the

NCC and AS 1905.1. In this regard, the self-closing device was disengaged, causing the fire doors to remain open.

- B. The fire door to the pumphouse/airlock failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1.
- C. Metal tags – The metal tags that have been installed to the fire doors and frames throughout the premises are not permanently and mechanically fixed to minimise the possibility of detachment, contrary to the requirements of Clause 6.1.3 of AS 1905.1-2015.

1F. Exit signs:

- A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

2. Fire Resistance

2A. Openings in floors for services – Services passing through the floor slabs do not appear to be protected by a shaft or tested system/fire stopping system, contrary to the requirements of Clause C4D13, C4D15 & Specification 13 of the NCC. The following was observed at the time of inspection:

- A. Service penetrations within the 'Hot Water Meters' cupboards/enclosures.
- B. Service penetrations within the 'Mechanical' cupboards/enclosures.
- C. Service penetrations with the 'Electrical Meters' cupboards/enclosures.

2B. Enclosure of shafts – The garbage room located on the basement floor level (beneath Building 3), which forms the bottom of the garbage chute shaft serving the residential levels, did not appear to be adequately fire separated from the remainder of the storey, contrary to the requirements of Clause C5C8 of Specification 5 of the NCC. In this regard, there were multiple services penetrating the fire rated walls, which did not appear to be adequately fire stopped in accordance with Clause C4D15 or Specification 13 of the NCC.

3. Access and Egress

3A. Handrails – The handrails in the fire isolated stairways were not continuous between stair flight landings, contrary to the requirements of Clause D3D22(e) of the NCC.

- 3B. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside, re-entry was not available on every fourth floor and the doors on the other levels were not provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm, contrary to the requirements of Clause D3D27 of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 through to item 3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council’s advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Mark Knowles of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/75 (32990) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit